

**NEW JERSEY STATE BOARD OF DENTISTRY
PUBLIC SESSION MINUTES
BOARD OFFICE
NEWARK, NEW JERSEY AUGUST 6, 2008**

ATTENDANCE: The following members were in attendance:

Emil Cappetta, DDS; Patricia Delaney, RDH, Ed.M; Peter DeSciscio, DMD; Herbert Dolinsky, DDS; Maxine Feinberg, DDS; Karen Golding; Alexander Hall, DMD; Beverly Kupiec, RN, Ph.D.; Sally-Jo Placa, DMD; John Ricciani, DMD; Arnold Rosenheck, DMD

OTHER ATTENDEES: Deputy Attorneys General Nancy Miller and Joseph Donofrio; Executive Director Jonathan Eisenmenger

ABSENT AND/OR EXCUSED: Belinda Caraballo

The Public session was called to order at 10:30 A.M.

Dr. Feinberg and Dr. Ricciani left at 12:00

I. APPROVAL OF MINUTES: July 2, 2008 - Approved as amended.
July 16, 2008 - Approved as amended.

II. COMMITTEE REPORTS

1. Credentialing:

Renee Langfelder - Application for reinstatement of registered dental assistant registration. The committee recommends approval.

Sharon Osbourne - Application for a dental hygiene license. The committee recommends approval.

Dr. David Wank - Inquiry questioning whether his qualifications meet the requirement for licensure in New Jersey. The Board determined that he must take NERB or its equivalent prior to licensure.

Dr. Tarunjeet Pabla - Application for a dental license. The committee recommends approval.

Dr. Joshua Block - Application for a New Jersey dental license. The committee determined that additional information be obtained.

2. Continuing Education:

The committee reported on 21 continuing education courses received.

Previously, a group of CE courses were deemed to be "web-based" and approved as web-based courses. The sponsor has appealed that category and claims that they are "live". The committee upholds the previous approval as "web-based".

On a motion made by Dr. Hall, seconded by Dr. Kupiec, the Board approved the report as read.

III. ELECTION FOR PRESIDENT AND VICE PRESIDENT OF THE BOARD:

The Board in a motion by Dr. Rosenheck, seconded by Ms. Delaney, elected Dr. Hall as President of the Board and Dr. Cappetta as Vice-President.

Dr. Dolinsky thanked Dr. Feinberg for her service, management, humor, and competence during her term as

president.

IV. PROPOSED REGULATION:

Regulatory Analyst Maryann Sheehan was present to discuss the proposed regulations.

1. Proposed Amendment N.J.A.C. 13:30-1A.2 - Proposed New Rule N.J.A.C. 13:30-1A.3 Scope of Practice of Licensed Dental Hygienist; Administration of Local Anesthesia by Licensed Dental Hygienists. Comments received were copied for Board's review.

The Executive Director also reported that there were several additional submissions received by the Board office prior to the deadline of August 1, 2008. He reported that the Board received an additional 47 letters, and all comments were supportive of the amendment.

Maryann Sheehan reported on over 40 positive comments. No negative comments were received.

On a motion by Ms. Delaney, seconded by Dr. Capetta, the Board voted to adopt the regulations as proposed.

2. Administration of Botox/Injectable Pharmacologics - The Board reviewed the draft of a proposed regulation. The Board discussed the education required as a predicate to utilizing these medications.

On a motion by Dr. Ricciani, seconded by Ms. Delaney, the Board approved the draft as amended. Dr. Placa voted no.

V. REPORTS SUBMITTED PURSUANT TO N.J.A.C. 13:30-8.8:

1. Dr. August Pellegrini - The Board took this report as informational. The dentist will be advised that in the future, when submitting the reports, he must specify the names of all the individuals who treated/helped the patient.

VI. Request for Modification to the Board's Order:

1. Dr. John D. Rosa - The Board in a motion by Ms. Delaney, seconded by Dr. Placa, moved this matter to Executive Session. The Board determined to release Dr. Rosa from the Consent Order but requires that he continue participation with PAP. 2. Dr. John Fitzpatrick - The Board in a motion by Ms. Delaney, seconded by Dr. Placa, moved this matter to Executive Session. The Board determined to submit a revised order increasing Dr. Fitzpatrick's work hours from 20 to 30 hours. He must continue to provide copies of his CDS prescriptions to the Board and must continue monitoring with PAP.

VII. Request for Reinstatement of License:

1. Dr. Alfred Sabato - The Board in a motion by Dr. Hall, seconded by Ms. Golding, moved this matter to Executive Session. The Board determined to reinstate his license with certain conditions.

VIII. Application to remove temporary suspension:

1. Dr. John Kallis - The Board in a motion by Dr. Dolinsky, seconded by Ms. Delaney, moved this matter to Executive Session.

The Board reviewed Dr. Kallis' request for removal of the temporary suspension on his license. The Board in a motion by Dr. Rosenheck, seconded by Ms. Delaney, denied the request to reinstate his license at this time. The materials provided by Dr. Kallis' counselors have not persuaded the Board that a modification to the previous Order is warranted at this time.

IX. Other Matters:

1. NERB - The Board reviewed a list of NERB consultant examiners for Board's review and recommendation. On a motion by Dr. Cappetta, seconded by Dr. DeSciscio, the Board referred the list to the Board's committee to consider and obtain more information, and report back to the Board at the September 3, 2008 meeting.

2. The Board discussed an inquiry from Paulette Jolly, Director, Sunrise School of Dental Assisting, LLC. The Board determined that the Board's relevant regulations be sent to this individual. Also, she will be referred to DANB/CODA and the New Jersey Department of Education to determine necessary credentials prior to starting the school.

3. The Board reviewed a request for correction to Board meeting minutes of May 7, 2008 from Dr. Alvin H. Arzt, American Endodontic Society. On a motion by Dr. Hall, seconded by Dr. Ricciani, the Board will send a letter thanking Dr. Arzt for his interest in this matter. The Board noted it had not yet issued a policy statement but that it remains substantially concerned about the use of these products. The Board requests that he submit any further data (peer reviewed articles) that support the safety of these products in humans. The Board will also request an update from Ohio about its history of correspondence with Dr. Arzt's group.

4. The Board reviewed a report of major actions of the Board of Directors of the Dental Assisting National Board, Inc., discussed at its Annual Meeting of February 15-16, 2008. The Board took this as informational.

X. Appearances:

1. 1:00 P.M. - Joseph Hannah, DMD (with Pamela Mandel, Esq.) - Appearance concerning Dr. Hannah's request for modification of the Board's Consent Order filed on July 25, 2006. (Dr. Ricciani and Dr. Cappetta were recused). Specifically, he is requesting that the restriction on his licensee to have a monitor at each location where he practices be removed.

Dr. Hannah stated that he did not comply with the provision of the Consent Order requiring him to attend intensive psychotherapy due to financial inability and time constraints. These constraints included opening a new office in Summit in 2005.

Dr. Hannah listed all of the doctors and other professionals with whom he engaged in therapy and/or treatment since 1997. As of today, he is not engaged in any form of therapy.

At the conclusion of the hearing, the Board discussed the information presented, as well as the previous Order entered by the Board. On a motion made by Dr. Rosenheck, seconded by Ms. Delaney, the Board voted to modify the previous Order to lift the requirement to have a licensed as registered auxiliary present as a monitor, but to require Dr. Hannah to have a female assistant in the room with him when treating patients. He must also maintain his relationship with his business partner/mentor and have him submit semi-annual reports to the Board to advise it of his activities and compliance.

2. 2:00 P.M. - Gerald P. Hirsch, DDS (with Mr. Cozarelli, Esq.) - Mitigation hearing in the matter of the suspension or revocation of the license of Dr. Hirsch to practice dentistry in the State of New Jersey and his request for reinstatement of licensure.

A Provisional Order of Discipline was filed in 2005, based on a federal conviction in New York. He also failed to renew his NJ license. The conviction and surrender of his license in NY were cited as a basis for discipline in the Provisional Order of Discipline.

Due to the amount of information presented to the Board, this matter was tabled and placed on the Board's agenda for September 3, 2008, at which time the full Board will deliberate and render a decision.

ADJOURNMENT:

